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REPORT OF THE COUNCIL.

SINCE the last report, May 10, 1876, the Academy has lost by death fifteen members, as follows: four Fellows, Nicholas St. John Green, W. A. Stearns, Emory Washburn, and Edward Wigglesworth; five Associate Fellows, Alexis Caswell, Charles H. Davis, Charles Davies, Fielding B. Meek, and Charles Wilkes; six foreign Honorary Members, Braun, Ehrenberg, Hofmeister, Lassen, Poggendorff, and Von Baer.

NICHOLAS ST. JOHN GREEN.

Mr. NICHOLAS ST. JOHN GREEN, Professor at the Boston Law School, and formerly lecturer at the Harvard Law School, died at Cambridge, on the 8th of September last. Although his name was only beginning to be known to the public, yet, to the eyes of his associates, he occupied, at the time of his death, as important a position in the field of jurisprudence as did the equally lamented Chauncey Wright in that of philosophy; and in the sudden deaths so near together of these intimate friends in the prime of life, the Academy has lost two of its most gifted members.

In the early practice of his profession, Mr. Green acquired a critical knowledge of the criminal law; and he undoubtedly started with a superstitious respect for the technical element which still prevails in that part of the law. In fact, it would seem evident that, as a younger man, he must have held a good many of the prejudices, legal and political, which are natural to a strong nature unchastened by learning and reflection. But his reason was stronger even than his temperament; and as time went on, and he became a student of history, political economy, psychology, and logic, prejudice gave way to philosophy, and his convictions, without losing in strength, were tempered by an appreciation of the other side which powerful men do not always acquire.

He handled a question of law not only with the mastery of a logician who easily reduced a case under established principles, but, also, and with equal power, in the light of the history which explains those principles, and the considerations of political science and human nature which justify them. The evidence of his ability was not confined to the lecture-room; for it is not too much to say, that no man at the Suffolk bar produced a greater effect upon the opinions of the Supreme Court, in the cases which he presented, than he. His arguments, in addition to the qualities of substance which we have mentioned, had a terseness and simple beauty of form which it is impossible to compare with any less-distinguished models than those of Judge Curtis. Mr. Green did not live long enough to construct a systematic work; but as, with him, theory was not an excuse for ignorance of details, but was based as much on exact and practical knowledge as it was on broad and careful study outside the law, those who knew him best hoped and expected that, when he was satisfied with his patient preparation, he would produce results worthy of his talents. A few notes to his two volumes of criminal cases, two or three articles in the "American Law Review," and three model volumes of reports, are all that the profession can judge him by; and they are, perhaps, enough. But those who have had the benefit of his conversation and criticism know that, although he had already justified the opinion of his friends, he gave promise of still greater achievements with which he might have enriched the world and honored his profession had he lived.

"He was such a philosopher as needs a Diogenes Laertius to portray him," writes, in a private letter, one who was familiar with his modes of thought. "The basis of his philosophy was, that every form of words that means any thing indicates some sensible fact on the existence of which its truth depends. You can hardly call this a doctrine: it is rather an intellectual tendency. But it was Green's mission to insist upon it and to illustrate it. This was his guide, I feel sure, in the study of law. Witness his essay on the doctrine of responsibility. And he desired to apply the same principle to other branches of philosophy, — to Logic, to Psychology, &c. But these subjects he did not choose to follow out for himself into detail. He cared for them chiefly as fields to assert his ruling principle in: beyond that, he was more or less out of his province. He rather undervalued systems; prizing more highly brochures which put some single principle in a strong light. Bentham's refreshing manner of searching for realities, and contemptuously tossing aside formal doctrines of the law in rummaging down to the very pleasures and pains which result from different

legal arrangements, greatly pleased him. But he did not much care for Bentham's systematic works: it was rather his horde of pamphlets, raiding like Cossacks into the legal realm, which delighted him. So, of political economists, he most admired Jean Baptiste Say, perhaps because he was a great pamphleteer.

"Green carried the same keen scent for sensible facts and contempt for every thing else into his affections and his tastes. He was a most warm-hearted man, with an abounding sympathy for all sorts of people, a great fondness for children, and a love for animals. He had also a fine taste for poetry, of which he had read a great deal. But one did not at first so much note his delicate appreciation of what was real, as his scorn for all that was unreal. He had a quality, which was certainly not roughness, but which, for want of a better appellation, might be called a Socratic coarseness. It was well fitted to be the sturdy support of his realism, and gave one a positive pleasure when one knew him, as if it had been an artistic study. He had an overflowing spirit of good-fellowship, and a Rabelaisian humor, without the Rabelaisian cynicism. I see him now, as he draws back from a game of whist, his genial nature shining through the merry twinkle of his eye. But, as he speaks, one perceives that it is not pure mirth that moves him, but sympathetic amusement; for his talk is generally of some fine observation of human or animal nature. . . . He was wont to take up prostrate or hopeless causes with a zeal, unwise and Quixotic from a worldly point of view, but which exemplified some of his highest traits."

WILLIAM AUGUSTUS STEARNS.

The Reverend William Augustus Stearns, D.D., LL.D., President of Amherst College, died at Amherst, June 8, 1876, in the seventy-second year of his age. The genealogy of Dr. Stearns would add another proof, were such necessary, to the truth of the doctrine of the transmission of moral and intellectual qualities, and even of tendencies towards particular pursuits, by hereditary descent. He came by the side both of his father and his mother of long lines of Congregational ministers, devout and learned men, not inexperienced in the ways of mankind and the management of worldly business, from the part taken by the ministers of the old Congregational Establishment in the administration of the affairs of their parishes and often of their parishioners. The Triennial Catalogue of Harvard College contains the names of graduates, *nomina literis italicis exarata*, scattered along the ranks of the eighteenth century and reaching back into those of the seven-